

## IN THE UNITED STATES PATENT & TRADEMARK OFFICE

<b>STATEMENT CONCERNING ENTITY STATUS</b>	<b>Application Number</b>	09/405,628
	<b>Filing Date</b>	Sept. 24, 1999
	<b>Patent Number</b>	6,478,274
	<b>Date of Patent</b>	Nov. 12, 2002
	<b>First Named Inventor</b>	Oddsens, Jr., Odd N.
	<b>TITLE</b>	ARM APPARATUS FOR MOUNTING ELECTRONIC DEVICES
	<b>Patent Owner</b>	INNOVATIVE OFFICE PRODUCTS, INC.

Via EFS-Web

The Assignee of U.S. Patent No. 6,478,274 (“the Patent”), Innovative Office Products, Inc. (“the Patent Owner”), is a small entity with less than 500 employees and has not licensed the Patent. The undersigned has confirmed with the Patent Owner that the Patent Owner has been *continuously* entitled to Small Entity status since the application for the Patent was filed on September 24, 1999.

The “Transaction History” in the PAIR records for the Patent indicates that a “Statement Filed Indicating a Loss of Entitlement to Small Entity Status” (“Statement”) was filed on May 11, 2006. A printout of the Transaction History is attached as Appendix A. The corresponding “Image File Wrapper” listing in the PAIR records for the Patent does not indicate a corresponding document. A printout of the Image File Wrapper listing (titled “Bibliographic Data”) is attached as Appendix B.

On June 28, 2006, the Patent Owner’s prior counsel filed a request under the Freedom of Information Act to inquire into who filed the Statement. A copy of prior counsel’s request is attached as Appendix C. In response to prior counsel’s request, on July 13, 2006, the General Counsel’s Office of the USPTO stated that the USPTO identified no records responsive to that request. A copy of the response is attached as Appendix D. Apparently, no record of the Statement exists.

It is believed that no Statement was filed and that the Transaction History dated May 11, 2006 was an error on the part of the USPTO. On March 3, 2010, the undersigned filed a “Statement of Entitlement to Small Entity Status Pursuant to 37

C.F.R. §1.27(c)” (“Statement of Entitlement”) in order to correct the entity status for the Patent prior to paying the second Maintenance Fee for the Patent to revert the entity status of the Patent Owner back to its rightful condition. A copy of the Statement of Entitlement is attached as Appendix E.

This document is being filed to clarify the record on this issue. Entry thereof into the USPTO file history for the Patent is respectfully requested.

Respectfully submitted,

By: /Damon A. Neagle/

Damon A. Neagle  
Attorney for Patent Owner  
Reg. No. 44,964

Date: May 11, 2010

DESIGN IP, P.C.  
Telephone: (610) 395-4900  
Facsimile: (610) 680-3312

# **Exhibit A**

09/405,628

ARM APPARATUS FOR MOUNTING ELECTRONIC DEVICES

04-29-

2010::14:05:22

**Transaction History**

Date	Transaction Description
02-24-2009	Change in Power of Attorney (May Include Associate POA)
02-19-2009	Correspondence Address Change
05-11-2006	Statement Filed Indicating a Loss of Entitlement to Small Entity Status
04-10-2003	Post Issue Communication - Certificate of Correction
11-12-2002	Recordation of Patent Grant Mailed
10-24-2002	Issue Notification Mailed
11-12-2002	Patent Issue Date Used in PTA Calculation
10-11-2002	Receipt into Pubs
10-08-2002	Application Is Considered Ready for Issue
09-19-2002	Issue Fee Payment Verified
09-04-2002	Workflow - Drawings Finished
09-04-2002	Workflow - Drawings Matched with File at Contractor
10-04-2002	Receipt into Pubs
09-19-2002	Issue Fee Payment Received
09-04-2002	Workflow - Drawings Received at Contractor
08-22-2002	Workflow - Customer Service Request - Finish
08-22-2002	Workflow - Customer Service Request - Begin
08-02-2002	Receipt into Pubs
06-28-2002	Workflow - File Sent to Contractor
06-28-2002	Receipt into Pubs
06-27-2002	Dispatch to Publications
06-20-2002	Mail Notice of Allowance
06-20-2002	Mail Formal Drawings Required
06-20-2002	Formal Drawings Required
06-20-2002	Notice of Allowance Data Verification Completed
06-20-2002	Case Docketed to Examiner in GAU
06-09-2002	Date Forwarded to Examiner
06-03-2002	Response after Non-Final Action
04-22-2002	Mail Notification of Terminal Disclaimer - Accepted
04-22-2002	Mail Non-Final Rejection
04-22-2002	Non-Final Rejection
02-19-2002	New or Additional Drawing Filed
02-20-2002	Notification of Terminal Disclaimer - Accepted
01-18-2002	Terminal Disclaimer Filed
02-13-2002	Date Forwarded to Examiner
01-18-2002	Response after Non-Final Action
01-18-2002	Request for Extension of Time - Granted
01-02-2002	Information Disclosure Statement (IDS) Filed
01-02-2002	Information Disclosure Statement (IDS) Filed
07-06-2001	Mail Non-Final Rejection
07-02-2001	Non-Final Rejection
04-16-2001	Information Disclosure Statement (IDS) Filed
04-16-2001	Information Disclosure Statement (IDS) Filed
04-18-2001	Date Forwarded to Examiner
04-16-2001	Response to Election / Restriction Filed
03-13-2001	Mail Restriction Requirement

03-12-2001	Requirement for Restriction / Election
01-30-2001	Information Disclosure Statement (IDS) Filed
01-30-2001	Information Disclosure Statement (IDS) Filed
11-30-2000	Information Disclosure Statement (IDS) Filed
11-30-2000	Information Disclosure Statement (IDS) Filed
11-01-2000	Change in Power of Attorney (May Include Associate POA)
11-01-2000	Correspondence Address Change
11-01-2000	Change in Power of Attorney (May Include Associate POA)
11-01-2000	Change in Power of Attorney (May Include Associate POA)
03-31-2000	Case Docketed to Examiner in GAU
03-21-2000	Application Dispatched from OIPE
03-21-2000	Application Is Now Complete
10-15-1999	Notice Mailed--Application Incomplete--Filing Date Assigned
10-12-1999	IFW Scan & PACR Auto Security Review
10-14-1999	Preexamination Location Change
09-30-1999	Initial Exam Team nn

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# **Exhibit B**

09/405,628

ARM APPARATUS FOR MOUNTING ELECTRONIC DEVICES

04-29-

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**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.**

### Bibliographic Data

Mail Room Date	Document Code	Document Description	Document Category	Page Count
03-08-2010	LET.	Miscellaneous Incoming Letter	PROSECUTION	1
03-08-2010	N417	EFS Acknowledgment Receipt	PROSECUTION	2
02-24-2009	N570	Communication - Re: Power of Attorney (PTOL-308)	PROSECUTION	1
02-24-2009	N570	Communication - Re: Power of Attorney (PTOL-308)	PROSECUTION	1
02-17-2009	PA..	Power of Attorney	PROSECUTION	1
02-17-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	2
02-17-2009	PA..	Power of Attorney	PROSECUTION	1
02-17-2009	R3.73B	Assignee showing of ownership per 37 CFR 3.73(b).	PROSECUTION	1
05-21-2008	SOL.NTC.SUIT	Report on the filing or determination of an action regarding a patent.	PROSECUTION	24
05-05-2006	COCIN	Request for Certificate of Correction	PROSECUTION	2
04-11-2003	LET.	Miscellaneous Incoming Letter	PROSECUTION	1
02-06-2003	CFILE	Request for Corrected Filing Receipt	PROSECUTION	2
09-04-2002	LET.	Miscellaneous Incoming Letter	PROSECUTION	1
09-04-2002	DRW	Drawings-only black and white line drawings	PROSECUTION	3
06-20-2002	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	6
06-03-2002	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
06-03-2002	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
04-22-2002	CTFR	Final Rejection	PROSECUTION	6
02-19-2002	LET.	Miscellaneous Incoming Letter	PROSECUTION	1
02-19-2002	DRW	Drawings-only black and white line drawings	PROSECUTION	3
01-18-2002	XT/	Extension of Time	PROSECUTION	1
01-18-2002	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
01-18-2002	CLM	Claims	PROSECUTION	5
01-18-2002	SPEC	Specification	PROSECUTION	5
01-18-2002	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	5
01-18-2002	ABST	Abstract	PROSECUTION	1
01-18-2002	LET.	Miscellaneous Incoming Letter	PROSECUTION	1
01-18-2002	DIST	Terminal Disclaimer Filed	PROSECUTION	1
01-02-2002	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1
07-06-2001	CTNF	Non-Final Rejection	PROSECUTION	10
07-06-2001	1449	List of References cited by applicant and considered by examiner	PROSECUTION	3
07-06-2001	892	List of references cited by examiner	PROSECUTION	1
04-16-2001	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
04-16-2001	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
04-16-2001	LET.	Miscellaneous Incoming Letter	PROSECUTION	1
04-16-2001	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	2

03-13-2001	CTMS	Miscellaneous Action with SSP	PROSECUTION	4
01-30-2001	C.AD	Change of Address	PROSECUTION	1
01-26-2001	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1
11-30-2000	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1
11-02-2000	CTMS	Miscellaneous Action with SSP	PROSECUTION	2
10-24-2000	LET.	Miscellaneous Incoming Letter	PROSECUTION	2
03-16-2000	CFILE	Request for Corrected Filing Receipt	PROSECUTION	3
03-15-2000	XT/	Extension of Time	PROSECUTION	1
03-15-2000	LET.	Miscellaneous Incoming Letter	PROSECUTION	1
10-15-1999	CTMS	Miscellaneous Action with SSP	PROSECUTION	1
09-24-1999	LET.	Miscellaneous Incoming Letter	AS FILED	83
09-24-1999	FWCLM	Index of Claims	PROSECUTION	1
09-24-1999	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
09-24-1999	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
09-24-1999	TRNA	Transmittal of New Application	PROSECUTION	2
09-24-1999	SPEC	Specification	PROSECUTION	31
09-24-1999	CLM	Claims	PROSECUTION	38
09-24-1999	ABST	Abstract	PROSECUTION	1
09-24-1999	DRW	Drawings-only black and white line drawings	PROSECUTION	8
09-24-1999	OATH	Oath or Declaration filed	PROSECUTION	3
09-24-1999	BIB	Bibliographic Data Sheet	PROSECUTION	1
09-24-1999	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1

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# **Exhibit C**

**EFOIA**

**From:** French, Traci [TFrench@ldlkm.com]  
**Sent:** Wednesday, June 28, 2006 1:17 PM  
**To:** EFOIA  
**Subject:** U.S. Patent No. 6,478,274

OFFICE OF THE  
GENERAL COUNSEL

2006 JUN 29 AM 6:30

06-278

U.S. PATENT  
AND  
TRADEMARK OFFICE

Hello,

If possible, please let me know who filed a Loss of Entitlement in the above-captioned patent.

Our firm is responsible for paying the maintenance fees and as such we paid the first fee on 5/3/06 as a small entity. When we received the Maintenance Fee Statement, it stated that our status was large as well as charging us \$900. I went on PAIR to investigate and that is where I found that something was filed on 5/11/06 that changed the status.

Thank you,

Traci French

Traci French  
Assistant U.S. Patent Administrator  
Lerner, David, Littenberg, Krumholz & Mentlik, LLP  
600 South Avenue West  
Westfield, NJ 07090  
Tel. (908) 654-5000; Fax (908) 654-7866  
tfrench@ldlkm.com

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6/29/06

# **Exhibit D**



**UNITED STATES PATENT AND TRADEMARK OFFICE**

GENERAL COUNSEL

JUL 13 2006

Ms. Traci French  
Lerner, David, Littenberg, Krumholz  
& Mentlik, LLP  
600 South Avenue West  
Westfield, NJ 07090

Re: Freedom of Information Act (FOIA) Request No. 06-278


Dear Ms. French:

The Office of the General Counsel received your e-mail dated June 28, 2006, in which you requested, under the provisions of the Freedom of Information Act, 5 U.S.C. § 552, a copy of documents indicating a change in entity status for Patent No. 6,478,274.

The United States Patent and Trademark Office identified no records responsive to your request. The processing fee was less than \$20.00, and is hereby waived.

The "no records" determination constitutes a denial of your request for records under the FOIA. The undersigned is the denying official. You have the right to appeal this initial decision to the Deputy General Counsel, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. An appeal must be received within 30 calendar days from the date of this letter. See 37 C.F.R. § 102.10(a). The appeal must be in writing. You must include a copy of your original request, this letter, and a statement of the reasons why the information should be made available and why this initial denial is in error. Both the letter and the envelope must be clearly marked "Freedom of Information Appeal."

Sincerely,

  
Robert Fawcett  
FOIA Officer  
Acting

LDLK &M  
JUL 18 2006  
RECEIVED

# **Exhibit E**

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

<b>STATEMENT OF ENTITLEMENT TO SMALL ENTITY STATUS PURSUANT TO 37 C.F.R. § 1.27(c)</b>	<b>Application Number</b>	09/405,628
	<b>Filing Date</b>	Sept. 24, 1999
	<b>Patent Number</b>	6,478,274
	<b>Date of Patent</b>	Nov. 12, 2002
	<b>First Named Inventor</b>	Oddsens, Jr., Odd N.
	<b>TITLE</b>	ARM APPARATUS FOR MOUNTING ELECTRONIC DEVICES
	<b>Patent Owner</b>	INNOVATIVE OFFICE PRODUCTS, INC.

Via EFS-Web

The Patent Owner hereby asserts, pursuant to 37 C.F.R. § 1.27(c), that they are entitled to small entity status in the above-referenced patent.

Respectfully submitted,

By: /Damon A. Neagle/

Damon A. Neagle  
Attorney for Patent Owner  
Reg. No. 44,964

Date: March 3, 2010

DESIGN IP, P.C.  
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